

Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

vs.

ZACHARY MADDING,
Defendant.

Case No. CR19-0065JLR

ORDER

Introduction

Before this Court is Defendant Madding's motion to proceed with a change of plea hearing by video conferencing, as soon as practicable. The government does not oppose this motion. The Court has reviewed the motion, the record in this matter and the applicable law, and hereby GRANTS the motion, for the reasons discussed below.

Background

General order 4-20 provided for the use of video conferencing or telephone conferencing for felony pleas under Fed.R.Crim.P. 11. Pursuant to this order, a

1 telephonic or video conference plea is authorized provided that the district judge
2 finds specific reasons that the plea in the case should not be further delayed without
3 serious harm to the interests of justice.

4 The most recent order by this district pertaining to the COVID-19 pandemic
5 allows individual judges to proceed with only a very limited number of in-person
6 hearings in felony criminal proceedings “by issuing orders on a case-by-case basis so
7 long as such orders address . . . public health concerns.”

8
9 In order to protect the public and the parties, congress has passed the
10 Coronavirus Aid, Relief, and Economic Safety Act (“CARES Act”), which provides
11 that criminal proceedings may be by video teleconferencing during the COVID-19
12 national emergency. Pursuant to the CARES Act, the Judicial Conference of the
13 United States has made findings sufficient to warrant the use of video
14 teleconferencing in lieu of in-person hearings in criminal proceedings. And this Chief
15 Judge of the Western District of Washington has specifically found that “felony pleas
16 under Rule 11 . . . cannot be conducted in person without seriously jeopardizing
17 public health and safety. See, GO04-20, at 2; see also, CARES Act §15002(b)(2)(A).
18
19
20

21 This Court is aware that the Federal Detention Center is able to provide
22 defendants with the opportunity to appear by Webex, Zoom, and telephone for court
23 hearings.
24
25

1 Finally, the CARES Act requires this Court to find “specific reasons that the
2 plea . . . cannot be further delayed without harm to the interests of justice.”

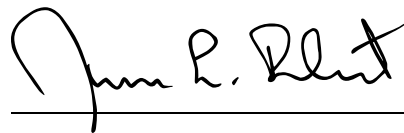
3 Accordingly, this Court finds that Defendant’s motion has set forth specific reasons
4 that further delay in a change of plea, and a subsequent sentencing hearing would
5 harm the interests of justice. In making this finding, this Court has considered how
6 long the defendant has been in custody, how long this case has been pending.
7

8 Furthermore, this Court considers that the trial date is less than two months away and
9 the interests of justice include avoiding unnecessary motions and trial preparation of
10 the parties. Finally, this Court takes into consideration that the government does not
11 oppose this motion.
12

13 CONCLUSION

14 For the reasons stated above, this Court GRANTS the motion. As soon as
15 practicable, a change of plea hearing shall be held in which the parties appear by
16 video conferencing.
17

18 DATED this 11th day of December, 2020.

19
20
21 

22 The Honorable James L. Robart
23 U.S. District Court Judge
24
25